

BOARD OF SUPERVISORS

JUN 30 1998

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June 29, 1998

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: Comments on the CALFED *Bay-Delta Program*
Programmatic EIS/EIR and Phase II Interim Report

Dear Mr. Breitenbach:

Speaking for the Solano County Board of Supervisors, I would like to thank Dick Daniel of CALFED for meeting with our Board and members of the public on May 12, 1998 in Fairfield. We very much appreciated the opportunity to hear Mr. Daniel's description of CALFED's *Ecosystem Restoration Program Plan* (the ERPP), *Programmatic EIS/EIR* and *Phase II Interim Report*. CALFED's proposed actions are of great concern to Solano County given our substantial land area in the statutory Delta, the Delta's importance to the County's water supplies and the overall environmental and economic importance of the Delta.

These comments focus on several significant policy issues raised by the current Draft EIR/EIS. We understand that CALFED will be releasing a **Revised Draft** Programmatic EIS/EIR later this year which will include a *draft preferred alternative* to replace the current Draft's three alternatives. At that time we plan to provide more detailed comments on the preferred alternative.

While the County supports the general goals of the CALFED program, we have grave concerns regarding several aspects of the current proposal.

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Delta Water Exports

The concept of a Delta Common Pool is intended to assure that a substantial portion or all of the water diverted from the Delta flows through the Delta. The Delta Common Pool assures that in-Delta and water exporters will maintain a mutual dependence on Delta levee integrity, Delta conveyance capacity and Delta water quality.

Solano County is unalterably opposed to a peripheral canal (i.e., "isolated conveyance facility") as contained in CALFED Alternatives 2 and 3 which would reduce the dependency of downstream water users on the Delta Common Pool. We strongly urge the CALFED preferred alternative to be based on a continued reliance on the Delta Common Pool concept and to delete all reference to a peripheral canal or isolated conveyance facility.

Solano County Water Quality Issues

Studies by the Department of Water Resources show that the North Bay Aqueduct has the worst water quality of all State Water Project contractors. The CALFED studies show that none of the three alternatives improve the water quality at the North Bay Aqueduct, in fact there likely will be a degradation of water quality with any of the alternatives. One of the goals of the CALFED program is to improve water quality. We expect that the overall CALFED Program will include measures to improve the water quality at the North Bay Aqueduct.

Solano County supports Delta water outflow levels that maintain the entrapment zone (as measured by the "X2" water quality standard) at Chipps Island and Port Chicago. CALFED alternatives which result in increased salt water intrusions are unacceptable to Solano County because of the effect on natural resource and recreational values along the County's Sacramento River frontage upstream to Rio Vista.

Impacts on Solano County Agriculture

CALFED estimates that it will seek to restore up to 191,000 acres for environmental restoration purposes in the Sacramento-San Joaquin Delta over the next 25 years. This area is in addition too large acreage's proposed to be taken out of agriculture to allow for the reconstruction of levees, the possible construction of water storage and conveyance facilities and other elements of the CALFED program. While it is understood that the specific locations of lands to be acquired for restoration cannot be *precisely* identified at this stage in the planning process we feel that it is **impossible** to adequately evaluate environmental impacts of these land use changes even at the

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programmatic level without a more specific locational breakdown of these project components. For example, the 70,000 -110,000 acres of lands slated for conversion to "Wildlife Friendly Agriculture" or "Fresh Emergent Wetlands (tidal)" in the Delta are not identified in any way as to location. Other land use changes, to the extent they are identified as to location, are only broken out into four regional categories: North Delta, Central and West Delta and East Delta.

Land purchases for wildlife conservation purchases are exempt from further separate reviews under the California Environmental Quality Act (Class 15 Categorical Exemption). Thus if the "big picture" is not provided for public consideration at the programmatic review stage, a later opportunity may never be provided for a comprehensive public review. But the current description is so vague and general in nature that it is almost meaningless in providing an understanding of how CALFED will affect Solano County interests.

The County is concerned that the most attractive location for CALFED to locate many of these types of habitats will be in the North Delta, potentially with a disproportionate amount in Solano County. The restoration of shallow water habitats is a major objective of the ERPP, and as such, it is likely that fringe areas of the Delta, such as eastern Solano County, will be prime areas for land acquisition. The current land use in the area is exclusively agriculture.

We are concerned with the economic and land use impact these land conversions could have on Solano County. The current level of detail provided in the Draft EIR/EIS is inadequate. The inadequacy is so significant that it prevents Solano County from understanding the possible scope CALFED's impacts.

We request that estimates of proposed land use conversions be identified in the Final Draft EIR/EIS as to location by County. Estimated land use conversions could be expressed as ranges, if that is necessary, but that would be better than the current paucity of information as to geographic location. These estimates should be identified for categories such as wildlife friendly agriculture, lands removed from agriculture for habitat restoration, lands needed for levees and water conveyance or storage. Solano County has worked hard to preserve agricultural lands through local land use restrictions and is very concerned about the potential impact of the ERPP and other CALFED program elements on the agricultural land base.

Solano County strongly disagrees with the conclusion of the Draft EIR/EIS in Section 8.6.2.7 regarding agricultural impacts that:

"No significant economic impacts are expected. Substantial effects on farm

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revenues and employment may occur as agricultural lands are converted to other uses."

Given the magnitude of the land conversions planned under the program Solano County requests that the EIR/EIS be revised to identify that the economic impacts of CALFED agricultural land conversions are both substantial and significant. Any attempt to claim otherwise undermines the credibility of the entire Draft EIR/EIS.

Solano County requests that a mitigation measure be incorporated into the Final EIR/EIS specifying a maximum acreage subject to purchase for environmental restoration be specified for each Delta county.

Based on our position that the conversion of agricultural lands for habitat restoration results in significant environmental effects, Solano County requests that CALFED consider mitigation measures that would reduce these impacts to insignificance. These measures might include consideration of undertaking investments in the following types of projects:

- 1) Irrigation projects to intensify agricultural production in the Montezuma Hills.
- 2) Agricultural land preservation programs near urban areas threatened by conversion during the CALFED implementation period, such as funding the purchase of conservation easements in the Suisun Valley (near Fairfield).
- 3) Agricultural drainage improvements in the Dixon area in support of more intensive high value agricultural production.

Fiscal Impacts on Local Governments

Given the scope of the proposed land conversions in Delta counties the resulting reductions in revenue to local governments need to be described and quantified in the EIR/EIS and mitigation measures incorporated to reduce impacts to local governments. This issue is largely ignored by the Draft EIR/EIS. The only reference we identified in the Draft EIR/EIS concerning governmental fiscal impacts was in Section 8.6.2.4:

"The loss of property taxes would have a substantial negative effect on public finance for county and municipal jurisdictions within the area."

Since this impact is identified as substantial but not significant, no mitigation measures

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are proposed in the Draft EIR/EIS to mitigate for this effect. Solano County requests that these effects be discussed in detail and identified as significant.

Solano County requests that a mitigation measure be incorporated into the EIR/EIS and enabling legislation for the CALFED program which would amend State and Federal statutes to provide for a payment in lieu of taxes to Delta jurisdictions for lands taken off the tax rolls for CALFED related projects. Alternatively, we request that the Final EIR/EIS and the ERPP specify that land acquisitions be undertaken, owned and managed by private nonprofit entities such as the Nature Conservancy or County Land Trusts. Private entities are subject to property taxation and could with an appropriate endowment, put in trust at the time of funding a land acquisition, have a source of funding enabling the payment of property taxes in perpetuity. This issue deserves serious consideration as CALFED proceeds to design institutional structures necessary to carry of the ERPP. Delta counties cannot afford a multimillion dollar reduction in property tax revenues.

Solano County endorses the detailed comments made by the North Delta Water Agency, dated April 3, 1998 concerning the impacts of Implementing the Ecosystem Restoration Program Plan on agriculture (attached).

Reclamation District Concerns

Levees in the Delta are maintained by a large number of small independent Reclamation Districts. Solano County is concerned land acquisitions by state and federal agencies may interfere with the future ability of Reclamation Districts to fulfill their obligations for levee repair. Land purchases under the CALFED program have the potential to remove significant amounts of land from the tax rolls in Reclamation Districts. If the land is owned by government agencies, they may not be obligated to fund levee maintenance. Because State and Federal agencies can be difficult or impossible to assess for reclamation costs, these costs may be shifted to the smaller number of remaining property owners. Increased assessments may directly threaten the continued viability of these agricultural operations and the levees maintained by the reclamation districts..

The creation of wetlands next to existing agricultural operations also presents the potential problem of seepage from areas of restored wetlands onto adjacent properties.

Certain agricultural practices, such as aerial spraying are also limited in areas directly adjacent to wetlands, if the restored habitats introduce rare and endangered species into an area. Because of this Solano County supports the concept of a "safe harbor"

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provision under the Endangered Species Act which would protect adjacent owners from restrictions stemming from the establishments of new populations of endangered species on nearby lands subject to restoration activities.

Solano County encourages CALFED to carefully plan habitat acquisitions to prevent potential conflicts with adjacent land uses by incorporating on site buffers into the design of the habitat restoration projects to protect them from offsite impacts.

Unless CALFED demonstrates its responsiveness to the legitimate concerns of adjacent agriculturalists regarding issues like levee maintenance, endangered species and seepage it may be viewed as forcing neighbors to become "unwilling" sellers. Habitat conservation must be undertaken in such a way to insure that problems are resolved in a timely manner with consideration to the needs of agricultural neighbors.

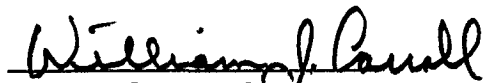
Other Issues

Solano County opposes the proposal contained in Alternative 3H to establish water storage reservoirs on Delta Islands as this would create an additional land withdrawal from the Delta's agricultural economy for sole benefit of water exporters. If additional water storage facilities are constructed they should be located off-stream either north or south of the Delta.

Please include a description in the Final Draft EIR/EIS how the CALFED program relates to the interagency *Long-Term Management Strategy (LTMS) for the Placement of Dredge Material in the San Francisco Bay Region*.

We look forward to reviewing your response to our comments in the Final Draft document.

Sincerely,



William Carroll, Chair
Solano County Board of Supervisors

Attachment
Distribution List Attached

CALFED1A.EIR

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Distribution List:

City of Rio Vista
Yolo County Board of Supervisors
Solano County Water Agency
Delta Protection Commission
Solano County Farm Bureau
Solano County Farmlands and Open Space Foundation
Suisun Resource Conservation District
North Delta Water Agency
Reclamation District 2068
UC Extension Farm Advisor
Solano County Agricultural Commissioner
Other Interested Parties

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